



PATENT CASE: CN01084 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: Joseph A. Hedrick et al. :

Serial No.: 09/765,034 :

Filed: January 17, 2001 :

~~For~~ ADENOSINE RECEPTOR :

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Assistant Commissioner for Patents
Washington, D.C. 20231

Examiner: Eliane Lazar-Wesley

Art Unit: 1646

Date: November 1, 2002

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is in response to a written Restriction Requirement dated October 2, 2002 in the above-identified application to which a response is due November 2, 2002.

This election is made with traverse.

The restriction requirement is improper for failure to show a serious burden on the Examiner to examine the claims in a single application, and should be withdrawn. See MPEP § 803. Despite classifying Applicant's invention into 10 different groups for the 20 total claims, the Examiner has not provided any reason or showing that a serious burden will result by examining the methods of identifying an agonist or antagonist, together with the polynucleotide and methods of treating a medical condition mediated by a mammalian adenosine receptor. The inventions are clearly related. Applicants urge the Examiner to consider reducing the number of restriction categories.

The examiner is respectfully reminded that MPEP § 803 states:

"If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicants respectfully request reconsideration of the requirement for restriction with respect to Groups II, III, VIII and IX. Applicants would greatly appreciate the Examination of all 13 claims for the purpose of streamlining prosecution and reducing the burden on the applicant.

In the event the Examiner is unable to accommodate the above request, Applicants hereby elect to prosecute the claims of Group II (Claims 4-13). Applicants reserve the right to file divisional applications directed to the non-elected subject matter.

The Commissioner is authorized to charge any fees in order to enter this Response to Restriction Requirement to Deposit Account No. 19-0365.

Respectfully submitted,



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